

ITEMS 7, 8 & 9

SUTTER LAFCo
Executive Officer's Report

LINCOLN EAST SPECIFIC PLAN ANNEXATION TO CITY OF YUBA CITY AND THE
GILSIZER COUNTY DRAINAGE DISTRICT

Sutter LAFCo No. 2023-0003 LESP Annexation
The City of Yuba City and Sphere of Influence Amendment and annexation to the
Gilsizer Co. Water District
May 12, 2022

TO: Sutter Local Agency Formation Commission

FROM: John Benoit, Sutter LAFCo Executive Officer

SUBJECT: Lincoln East Specific Plan Annexation to the City of Yuba City and a
sphere of influence amendment and annexation to the Gilsizer County
Drainage District.

ATTACHMENTS:

Attachments #1 and #2 a letter specifying the properties to be annexed, and an aerial
photo showing the location of territory and a map of the territory.

Attachments #3 and #4, a letter requesting this 302.85-acre annexation and a map
showing the annexation

Attachment #5 and #6 is a map and a landowner letter showing the location of
Landowner initiated annexation to Gilsizer proposal.

Attachment #7 is a map showing the location of the City initiated annexation to Gilsizer

Attachment #8 - Resolution 2022-0008 approving an annexation consisting of a 302.85
acres more or less to the City of Yuba City

See attachment #9 – Resolution 2022-0009 Gilsizer County Drainage District Sphere of
Influence amendment consisting of 239.75 acres more or less.

Attachment #10 – Resolution 2022-0010 annexation of 220.13 acres more or less to
the Gilsizer County Water District

Attachment #11 - Plan for providing services within the affected territory.

Attachment #12 - Lincoln East Specific Plan (on LAFCo's webpage: www.sutterlafco.org).

Attachment #13 - Environmental Documentation including the EIR and Notice of
Determination (on LAFCo's webpage: www.sutterlafco.org)

EXECUTIVE OFFICER'S RECOMMENDATION:

Review and consider the alternatives (landowner and city initiated) and consider resolution (2022-0008) annexing territory to the City of Yuba City.

Amend the SOI for the Gilsizer Co. Drainage District and adopt Resolution 2022-0009

Review and consider the alternatives (landowner and city initiated) and adopt Resolution 2022-0010 annexing territory to the Gilsizer County Drainage District

Background regarding the applications received:

A. Annexation proposals to the City of Yuba City

LAFCo received two applications for the annexation of territory to the City of Yuba City known as the Lincoln East Specific Plan (LESP) Landowner application and the Lincoln East Specific Plan City-initiated application, as follows:

1. LESP Landowner application to Yuba City: This application includes a petition to annex 236.52 acres more or less in the Lincoln East Specific Plan (LESP) located south of Lincoln Road, North of Bogue Road, east of South George Washington Boulevard, and west of Sanborn Road (See Attachments #1 and #2 with a letter specifying the properties to be annexed, an arial photo showing the location of territory and a map of the territory). Fire Service will remain with CSA G. There is 100% landowner consent for the Landowner annexation
2. LESP City Initiated Annexation to Yuba City includes a City Resolution to annex all the properties in #1 above as well as an additional 66.33 acres more or less. The total acreage for this annexation is 302.85 acres more or less. This territory is entirely located within the LESP. located south of Lincoln Road, North of Bogue Road, east of South George Washington Boulevard, and west of Sanborn Road (See Attachments #3 and #4, a letter requesting this 302.85-acre annexation and a map showing the annexation). Fire Service will remain with CSA G. The city application does not have 100% landowner consent. A public notice was mailed to all landowners and voters within the subject area to provide written protest otherwise protest proceedings will be waived.

A notice was sent to all landowners and registered voters in and surrounding these applications. The Commission may modify or change the configuration of these annexations and include and exclude properties.

B. Annexation proposals to the Gilsizer County Drainage District

3. Landowner Initiated Annexation to the Gilsizer County Drainage District. This application includes annexation of 125.18 acres more or less into the Gilsizer County Drainage District. This territory is included in the landowner city

annexation proposal. Attachment #5 is a map showing the location of this proposal and Attachment #6 is a landowner petition. This area includes APN's 22-030-070 and 22-040-061 within the eastern portion of the landowner initiated proposal. This proposal also includes an amendment to the Gilsizer County Drainage District's Sphere of Influence.

4. The City Initiated Annexation to the Gilsizer County Drainage District. This application includes a City Initiated proposal to include 220.11 acres more or less into the Gilsizer County Drainage District. This territory is located within the eastern portion of the City Initiated City annexation proposal. This area includes several parcels as shown in Attachment #7. This proposal also includes an amendment to the Gilsizer County Drainage District's Sphere of Influence.

C. City LESP Annexation Recommendation:

Adopt the proposed Sutter LAFCo Resolution 2022-0008 (see Attachment #8) approving an annexation consisting of a 302.85 acres more or less to the City of Yuba City (fire and EMS services will remain with County Service Area "G"). Hereinafter the City annexation is referred to as the LESP Annexation to the City of Yuba City and is to provide a full compliment of City of Yuba City services to the annexation area with the exception of CSA "G" fire and EMS services, which shall remain under contract with the City of Yuba City as opposed to the City directly providing fire and EMS services for the territory within the Lincoln East Specific Plan Area (LESP). The boundaries were determined by unincorporated lands owned in the Landowner proposal along with other incorporated lands bordered by Lincoln Road to the North, Sanborn Road to the East, Bogue Road to the South and George Washington Blvd to the West.

The purpose of the annexation is to allow development of the annexation area which is within a portion of the Lincoln East Specific Plan Area consisting of 302.85 acres more or less. The annexation consists of an annexation to City of Yuba City. City of Yuba City will provide municipal services consisting of sewer, water, storm, police, roadways, and other municipal services. County Service Area G will continue to provide fire protection and EMS and will continue to provide services through Yuba City Fire Department.

Annexation is also a condition of the Lincoln East Specific Plan (LESP). The environmental document for the project address the annexation.

D. Recommendation regarding the Sphere of Influence for the Gilsizer County Water District

An amendment to the Gilsizer County Drainage District Sphere of Influence is proposed since territory in the eastern portion of the annexation proposal will impact Gilsizer County Drainage District facilities. Staff recommends approval of a Sphere of Influence amendment to the Gilsizer County Drainage District consisting of 220.11 acres as proposed by the city to annex to the Gilsizer County Drainage District along with 19.56 acres more or less as proposed in the Bains annex to the Gilsizer County Drainage district totalling 239.67 acres by adopting Sutter LAFCo resolution 2022-0009 (See attachment #9).

E. Gilsizer County Drainage District Recommendation

An annexation to the Gilsizer Co. Drainage District located on the eastern most area of both the City and Landowner initiated proposals consisting of up to 220.11 acres and will be required prior to development. Upon approval of a Sphere of Influence amendment and since the County recently adopted a master property tax sharing agreement for annexations to the Gilsizer County Drainage District Staff recommends approval of this proposal to annex 220.11 acres by adopting Sutter LAFCo Resolution 2022-0010 (See attachment #10).

Regarding the above recommendations C and E above, in the event of protest regarding the City's proposed LESP annexation and the City's proposed Gilsizer annexation the Landowners are requesting they be allowed to annex their properties instead of waiting for the protest proceeding results. A protest proceeding may take up to 4 months and could result in an election or termination of the LAFCo proceedings depending upon the number of protests received.

After discussion with the Landowners the Commission may wish to allow the Landowners Annexations shown as above (Landowner proposed LESP Annexation consisting of 236.52 acres more or less) and (the Landowner proposed Gilsizer Annexation consisting of 125.18 acres more or less)

BACKGROUND

There were concerns expressed during the LAFCo proceeding for the Bains annexation that it did not promote orderly development and the remedy would be to annex the entire area surrounded by George Washington Blvd, Bogue Road, Lincoln Road and Sanborn Road. This would square off this area and promote orderly development per the LAFCo Act and local policies. The City LESP annexation #2 mitigates this concern.

During the Bains annexation owners expressed a desire to annex as soon as possible so they could begin development during 2022.

At that time, as an alternative to setting and noticing a public hearing for the entire 548.63-acre and a possible protest proceeding and election it was determined the City would file an application with LAFCo to annex the remaining territory surrounded by George Washington Blvd, Bogue Road, Lincoln Road and Sanborn Road rather than preventing the Bains annexation to move forward at this time, which would have been the case if there were protests associated with annexing the additional area. Staff believed this was a workable alternative to allow the Bains annexation to move forward in an acceptable manner without compromising the principles in LAFCo Policy and the

LAFCo Act. Moreover, the City has approved a Specific Plan and Environmental Impact Report for the Lincoln East Specific Plan in 2010 for the territory in question and has filed the City Initiated LESP annexation which is the matter before the Commission at this time.

SUGGESTED MOTIONS:

Adopt proposed Sutter LAFCo Resolution 2022-0008 approving a 302.85 acres more or less LESP annexation into the City of Yuba City.

Adopt proposed Sutter LAFCo Resolution 2022-0009 approving a Sphere of Influence Amendment to the Gilsizer County Water District consisting of 239.67 acres more or less

Adopt proposed Sutter LAFCo Resolution 2022-0010 approving a 220.11 acres more or less annexation to the Gilsizer County Drainage District

PLAN FOR SERVICES:

The City adopted a plan for services for the LESP shown as Attachment #2.

Government Code Section 56653 (Cortese-Knox-Herzberg Government Reorganization Act) requires that whenever a local agency to submit an application to LAFCo for a change of organization the local agency shall also submit a plan for providing services within the affected territory (see Attachment #11).

A summary of the service provisions outlined in the Service Review is included as background for the Plan for Services below:

Water: The City is permitted to draw 30 mgd from the Feather River. The Water Treatment Plant capacity is 36 mgd. The current max day use is 26 mgd. The City estimates the annexation area to increase the daily use by approximately 0.3 mgd. Which is within the City's permitted water use and in accordance with the Water Master Plan. Infrastructure will be sized in accordance with the Water Master Plan and to meet necessary fire flows within the subdivisions.

Wastewater Collection and Treatment: As the area develops; the property owners/developers will be responsible to coordinate the design and installation of a sanitary sewer system that connects to the City's existing wastewater system. The Waste Water Treatment Facility's (WWTF) current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The City's Wastewater System Master Plan a plan has been established and adopted to provide the means to provide wastewater collection and treatment for the full build-out of the City's Sphere of Influence.

Stormwater Drainage: The City is served primarily by two drainage systems the Gilsizer Slough and the Live Oak Canal. The Live Oak Canal predominantly services west Yuba City and most of the proposed annexation area. The Live Oak Canal service area is broken up into Zones of Benefit (ZOB). The ZOB's assess fees to cover the initial construction of the required capital improvements and fees for the annual cost of operating and maintaining the constructed storm drainage facilities. The Lincoln East Specific Plan includes Stormwater Policies for required infrastructure needed when development occurs. A portion of the LESP project including 220.11-acres more or less that will need to be annexed into the Gilsizer Drainage District.

Utilities: Utilities include gas and electric service provided by PG&E, phone and cable. These services are provided by the individual companies that provide that service. Owners of the areas that are to be developed will be responsible to coordinate their utility installation as part of the development projects. City code requires that new utilities be undergrounded.

Streets: New subdivisions and other types of development are required to provide completed internal streets and sidewalks throughout the project to current City standards. Depending on the size of the project and its location, off-site street and sidewalk improvements may also be required in order to provide good access to the site. The City charges development impact fees that go towards improving the larger collector and arterial streets that will connect roadways within the City. Expansion of the major road network in the annexed area is expected to be primarily paid for through the collection of traffic impact fees and conditions of development.

Police Protection: The Yuba City Police Department currently has a staff 64 sworn peace officers and 27 civilian staff members, augmented by 7 Reserve Peace Officers. The Department concluded that while the proposed annexation could potentially impact current Police Operations, it would be manageable in this circumstance. Furthermore, in consideration of the additional population and geographical area, the YCPD would likely revisit restoring additional police services that have been lost in the recent years, based on the potential increase of property taxes resulting from the proposed annexation.

Fire Protection: The annexation area is located in and remain in CSA "G". CSA G will receive tax revenue for the annexation area to be passed through to the Yuba City Fire Department. The Yuba City Fire Department (YCFD) provides fire protection and suppression and life safety services for the City. The Department responds to structural and wildland fires, emergency medical service, and hazardous/toxic material spills in the Lincoln East Planning Area.

Parks and Recreation: In order for the City to keep pace with population growth, the City requires payment of park impact fees on all new residential development. The park impact fees are used to purchase and develop new park improvements throughout the City.

Lincoln East Specific Plan and LAFCo's adopted MSR and SOI

I. BACKGROUND:

A. Lincoln East Specific Plan:

In August 2010 the City adopted the Lincoln East Specific Plan. After holding a Public Hearing, adopt a Resolution certifying the Environmental Impact Report (EIR) (SCH #2006082094) prepared for the specific plan was adopted, a Resolution approving a General Plan Amendment and approving a Specific Plan Amendment including a financial component were adopted, and an Ordinance approving pre-annexation Zoning (RZ) for land inside the LESP.

The intent of the Lincoln East Specific Plan is to provide for the orderly and cohesive development of the 1,160-acre specific planning area. The Plan, was adopted as a specific plan, combining elements from and consistent with the City's General Plan and Zoning Regulations to establish a regulatory structure to guide development. The Plan provides for the development of a planned community of residential, commercial, public and quasi-public facilities and recreational sites and other public facilities (see Attachment #12 Lincoln East Specific Plan).

B. LAFCo's Adopted MSR and SOI

On November 12, 2020 Sutter LAFCo Adopted an updated Service Review and Sphere of influence for the entire city and concurrently added the 741-acre Bogue Stewart Master Plan area to the City's Sphere of Influence.

In adopting a Sphere of Influence update the City also reaffirmed the LESP area in the City of Yuba City's Sphere of Influence, the Commission considered relevant factors determined by the Commission, including but not limited to, Sphere of Influence and General Plan Consistency, and other factors described in Government Code Sections 56425, and 56428, in that:

- a. The Commission has considered the present and planned land uses in the area including agricultural and open space lands as described in the Sutter County General Plan, and the City of Yuba City General Plan.
- b. The Commission has considered the present and probable need for public facilities and services in the area as described in the adopted Municipal Service Review, the City of Yuba City General Plan and the Executive Officer's report dated November 12, 2020.
- c. The Commission has considered the present capacity of public facilities and adequacy of public services, which the agency provides or is authorized to provide as described in the adopted City of Yuba City Municipal Service Review.
- d. The Commission has considered the existence of any social or economic communities of interest in the area and received as testimony in public hearings.

- e. The Commission has considered the conversion of prime agricultural lands meeting LAFCO's criteria in Government Code Section 56064. The Commission has considered the Statement of Overriding Considerations in this Sphere of Influence as adopted by Yuba City.

Sutter LAFCO received both a landowner petition of Application (with support of 100% of the landowners), Plan for Providing Services as well as a City initiated Application, Plan for Providing Services for annexation into the City of Yuba City as described earlier in this report. In addition, a landowner application and city initiated application for annexation to the Gilsizer County Drainage District as described earlier in this report. There will be no change of organization involving County Service Area G.

This proposed reorganization is within the adopted Sphere of Influence for the City and considered inhabited having more than 12 registered voters within the territory.

The purpose of the annexation is to allow development of a portion of the Lincoln East Specific Plan Area consisting of 302.85 acres more or less. The annexation shall consist of annexation to City of Yuba City and annexation to Gilsizer County Drainage District. City of Yuba City will provide municipal services consisting of sewer, water, storm water, police, roadways, and other municipal services. The Gilsizer County Drainage District will handle storm drainage.

This annexation is a condition of the Lincoln East Specific Plan (LESP). The environmental document for the project addressed the sphere of influence modification, municipal service review, and annexation. Attachment 13 shows the Environmental Documentation including the EIR and Notice of Determination for this annexation which is included on LAFCo's Website www.sutterlafco.org.

Staff recommends the Local Agency Formation Commission approve the annexation of the 302.85 acres (more or less) territory including an annexation to the City of Yuba City subject to the terms and conditions stated in proposed Sutter LAFCo Resolution 2022-0008 and annexation of 220.11 acres more or less to the Gilsizer County Drainage District in proposed Sutter LAFCo Resolution 2022-0010.

Since this territory does not meet the criteria listed in California Government Code Section 56662 a public hearing is required although there is 100 percent landowner consent with landowner initiated annexation to the City. Since a Sphere amendment is required for the Gilsizer County Water District is required a public hearing will also be required for that action.

C. Environmental Review

In 2020 LAFCo acted a responsible agency for affirming the Sphere of Influence for the City, which differs from being a lead agency. The California Environmental Quality Act (CEQA) defines a responsible agency as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. In 2010 the City prepared and certified an Environmental Impact Report for the Lincoln East Specific Plan

(SCH#2006082094) in 2021 prepared an initial study and Negative Declaration for the West Sanborn Estates Tentative Subdivision Map, which includes a small portion of this annexation.

The California Environmental Quality Act (CEQA) Guidelines, Section 15096 state that a responsible agency complies with CEQA by considering the EIR prepared by the lead agency. An EIR was adopted by the City of Yuba City as part of establishing the LESP for its 1,160-acres, pre-annexation zoning for the LESP area, the sphere of influence amendments and the subsequent annexations. The environmental review was previously affirmed by LAFCo in 2020 when the Commission adopted a Sphere of Influence update.

There have been no changes or unusual circumstances that exist or could have exist after the initial City certification of the EIR and LAFCo affirmation of the EIR.

II. ANALYSIS

A. Accepted for filing:	April 20, 2022
B. Publication and Posting:	April 20, 2022
C. Compliance with CEQA:	EIR Prepared per CEQA guidelines
Lead Agency:	City of Yuba City
Responsible Agency:	LAFCo
Environmental Finding:	EIR
Date of Finding:	Dec 17, 2019

D. Compliance with applicable Plans:

The proposed annexation is within the LESP planning area and conforms to the Yuba City General Plan and the Yuba City Zoning Ordinance as rezoned in the LESP.

E. Compliance with applicable Spheres of Influence:

The proposed annexation conforms to the City of Yuba City's adopted Sphere of Influence, which includes the LESP.

F. Existing Land Use and Zoning:

LAND USE DESIGNATIONS-LESP:	Low density residential (LDR), medium density residential (LMDR), high density residential (HDR), park, open space (P), community commercial (CC), Quasi-Public Facilities (QP)
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ZONING (prezoning)- LESP:	Community Commercial Zoning District (C-2/SP-LESP), Single Family Residential Zoning District (R-1/SP-LESP), Low-Medium Density Residential Zoning District (R-2/SP-LESP), Multi-Family Residential Zoning District
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	(R-3/SP-LESP), Public Facilities (PF/SP-LESP), and Public Facilities (QP-LESP)
DWELLINGS:	24
POPULATION:	50
REGISTERED VOTERS:	31

G. Landowner(s): 33

H. Existing Land Use and Zoning for Surrounding Territory:

The property is mostly used for agriculture orchards and row crops and contains 18 residential structures.

North: Residential/Orchard

South: Orchard

East: Residential

West: Orchard

I. Proposed Development:

Urban Development including parks, low, medium and high density residential uses and community commercial uses

J. General Plan designations on the property: The General plan designation of the proposed property is Lincoln East Specific Plan. The lands General Plan designation include low density residential (LDR), medium-high density residential (MHDR), park, open space, and community commercial (CC).

K. General Plan Designations surrounding the subject property.

- North: Parks, medium/low density residential, low density residential, medium-high density residential
- South: Agriculture
- East: Low density residential
- West: Low density residential

L. The zoning designation (include combining districts, if applicable) for the subject property.

All of the lands are within the Lincoln East Specific Plan Area. The zoning designations are Quasi- Public Facilities District (QP-LESP), Public Facilities District (PF-LESP), Single Family Residential District (R1-LESP), Low-Medium Density Residential District (R2-LESP), and Multi-Family Residential District (R3-LESP).

M. The Zoning Designations surrounding the subject property?

- North: Low density residential (R1-LESP), Low-Medium Density Residential District (R2-LESP), Multi-Family Residential District (R3-LESP).
- South: Agriculture
- East: Single Family Residential District (R-1-LESP).
- West: R-1, Agriculture

N. Fiscal Data:

The Master Tax Agreement was adopted on July 6, 2000 between Sutter County and the City of Yuba City. This agreement applies to annexations within the LESP area. This agreement includes allocation of property tax and sales tax revenues including various provision for the property tax and sales tax transfers. (Sutter County Resolution 00-050 and Yuba City Resolution 00-092 "Providing for [the] Yuba City Sphere of Influence Planning, Sales Tax Sharing and a Master Property Tax Exchange Agreement")

A Master Tax agreement (Board of Supervisors Resolution 22-027) was adopted for annexations and detachments from the Gilsizer County Drainage District. This resolution calls for no exchange of property taxes for annexations and detachments from the Gilsizer County Drainage District.

Total Assessed Value for the LESP Annexation to the City of Yuba City is \$23,200.022.00.

O. Existing and Proposed Service Agencies:

Service	Existing Provider	Proposed Provider
School Districts	Yuba City Unified	Same
Fire Protection	Yuba CSA G	YUBA CSA G
General Government	Sutter County	Yuba City
Police Protection	Sutter County	Yuba City
Off-site Drainage and Flood Control		Gilsizer Drainage
Water and Wastewater	Wells and Onsite septic	Yuba City
Street Lighting	None	Yuba City
Roads	Sutter County	Yuba City
Emergency Services	Yuba CSA G	Yuba CSA G

P. GILSIZER COUNTY DRAINAGE DISTRICT SPHERE OF INFLUENCE

Gilsizer County Drainage District is a County Drainage District formed under state law in 1963, to improve storm drainage service to the Yuba City area and to maintain Gilsizer Slough and the North Pump Station at the Feather River levee north of the Tenth Street Bridge. The District is comprised of approximately 6,000 acres of land, most of which is in the City of Yuba City. The north District boundary is one-half mile south of Pease road running parallel with Pease Road. The east boundary is roughly along the western edge of the Feather River and the west boundary runs along Sanborn Road, Harding Road and Tharp Road. The District's southerly boundary is Bogue Road. The latest change to the district's SOI was to include the land in the Bogue Stewart Master Plan using Gilsizer Facilities in 2021.

The District was formed via a Resolution 3758 on August 5, 1963. The District's enabling legislation grants the District authority to conduct drainage activities in accordance with the guidelines of the County Drainage District Act (Division 17 of the California Water Code).

Before the first Feather River levees were constructed in the late 1800s, Gilsizer Slough was a natural overflow channel of the Feather River that flowed into Sutter Basin near Robbins. Sutter Drainage District, a predecessor to Gilsizer County Drainage District, was formed in 1910 to improve the natural slough channel. When the State of California built the Sutter By-pass in the 1920s, its levees cut across the slough channel at a point downstream of Township Road blocking the flow of the slough. In an attempt to avoid resulting ponding, the State constructed drainage canals and pumping stations along the by-pass to pump the intercepted storm waters over the levee to the by-pass channel.

Since its formation, District activities have included: widening slough rights-of-way, excavation, grading, maintenance of roadway culverts including widening, and erosion control measures. Recently, District activities have increased the flow capacity of the slough to meet the area's storm drainage needs. However, storm drainage from the area

continues to increase and greater flows require slough channel and road crossing improvements and more revetments to protect against bank erosion.

Landowners and the City of Yuba City are proposing annexations to the District. Specifically this SOI amendment as initiated by Yuba City proposes to annex 220.11-acres more or less since this acreage will benefit from Gilsizer County Drainage District services. The Landowner proposal is smaller but is within the 220-acre area initiated by the City.

The Municipal Service Review (MSR) dated December 17, 2019 states that all future development is required to fund and install the necessary storm drainage infrastructure. The MSR also describes a new proposed fee program, BSMP Fee, which would fund Project Backbone Infrastructure. The BSMP Fee costs would apply to roadway, sewer, water, drainage, neighborhood parks, and fee formation/updates that would be funded by the project at buildout.

The district currently collects drainage fees for new development at a rate of \$0.184 per square foot of impervious surface that causes additional storm drainage runoff. The current fee was adopted September 14, 2005 and is collected at the time of building permit issuance of new development. The ordinance governing the collection of the fee states that the fees are collected for construction and expansion of the facilities serving the District. How those fees are used will need to be decided at a later date by the Board.

In addition to comply with City Goals and Policies the expansion of the Gilsizer SOI and subsequent annexations comply with the following Countywide goals:

- Goal C: Maintain strong commitment to public safety (including Law Enforcement, District Attorney, Public Defender, Probation, Fire, Emergency Management, and related services).
- Goal E: Provide and enhance public infrastructure, including essential water, wastewater, other utilities, transportation systems (including "Farm to Market" roads), and achieve best possible flood protection for entire County region, including upgrading necessary levees to obtain reasonable flood insurance coverage for all residents, businesses, and property owners.

Sphere of Influence Determinations:

The boundary of Gilsizer County Drainage District's Sphere of Influence has always been identical to the area that the District serves. A Sphere of Influence is the probable growth boundaries for an agency as determined by the LAFCo Commission. The SOI will allow for district expansion provided the Commission adopt determinations. As part of amending a sphere of influence, the LAFCo Act requires LAFCO to prepare written determinations as follows:

1. The present and planned land uses in the area, including agricultural and open space lands.

According to the MSR, the District has planned for an increase of 30% over the next several years. Most of the lands in the District are urban uses. Future development will result from in-fill of existing sites within the District boundaries and areas planned and zoned for urban development such as portions of the BSMP.

2. The present and probable need for public facilities and services in the area.

The Gilsizer Drainage District has sufficient infrastructure planning, financial commitment, and practices to ensure that infrastructure and capital facilities can be maintained

To determine the need for probable improvements in the future, the District utilizes a plan to evaluate necessary future improvements in a report prepared for the district for that purpose. Based on the evaluation, District officials plan to increase drainage infrastructure capacity, to accommodate projected growth within the district.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The District has flow capacity of the slough to meet storm drainage needs. However, as storm drainage from the District continues to increase as development is constructed, and the District will need to require slough channel and road crossing improvements and more revetments to protect against bank erosion. More growth in Yuba City is expected and the flow capacity will need to keep pace with the resulting storm drainage demand.

4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The District provides drainage services for most of the City of Yuba City and surrounding areas. There are no known social or economic communities of interest in the area other than the City of Yuba City.

Q. POLICY ANALYSIS - Annexation

GOVERNING LAW

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) A regional transportation plan adopted pursuant to Sections 65080.
- (h) Consistency with city or county general and specific plans.
- (i) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (j) The comments of any affected local agency.
- (k) The ability of the newly formed or receiving entity to provide the services which area the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined

by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.

- (n) Any information or comments from the landowners, voters or owners.
- (o) Any information relating to existing land use designations.
- (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.
- (q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

These factors will be reviewed with regard to the LESP Annexation to the City of Yuba City and the Annexation to the Gilsizer Co. Drainage District.

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

According to the State Dept of Finance the January 1, 2021 population estimate for the City of Yuba City is 70,776. The population of the annexation at full build out of the 302.85-acre territory assuming an average of 4 units to the acre and a population of 2.93 per equivalent dwelling unit would be approximately 3,002 (based on the 2020 census and a household size factor of 2.93 persons).

- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

The need for safe and reliable water service meeting state water quality standards. All the other services in the annexation area will be as described in the Plan for Services. The annexation does not include a dissolution of CSA G, which is a passthrough funding mechanism for the Yuba City Fire Department. The Gilsizer Drainage District will provide drainage in a portion of the annexation area.